



The progress report of the select committee on the training ship Vernon, laid on the table of the Legislative Assembly, and ordered, with the minutes of evidence, to be printed on the 25th March last, has recently been issued from the Government Printing Office. As the evidence is too lengthy to give in its entire, and as certain matters unsuitable for publication in the columns of a newspaper, we have made abstracts of such portions of the evidence as will give our readers a fair idea of the nature of the inquiry which has been carried on.

The report is very brief, merely stating that the inquiry had not been completed, and recommending its resumption next session.

The first witness examined was Captain James Saxon Mair, superintendent and commander of the Vernon, who was summoned before the committee on Friday, 22nd January.

After a number of questions referring to the routine of the ship and to certain charges of immorality made against some of the boys, the subject of evidence was given with regard to the work, the clothing, the washing, the cleanliness, and food of the boys.

80. What is the average attendance per day? — How many hours per day for the boys? — Perhaps the night is not got it at all one day; they get it in turns the same as the school, in divisions.

81. How many hours a week should we say a boy is receiving instruction from other sources? — Those who are receiving instruction from other sources are given 15 hours a week, the tailors 21 hours a week each.

82. Has any complaint been made as to the clothing of these boys? — No.

83. How many boys last year? — Last year the boys were for a certain time hardly clothed, and we made canvas clothes for them.

84. Were all the boys on board supplied with flannels? — As fast as they are made are they; they lose them very easily. Those who sleep with the right number, but they are continually losing them. The reason of this is the boys on whom we can find we cannot keep the flannels, and when the them away as fast as they are given to them. There is one boy especially on whom we find it difficult to keep any article, and he is hardly right in the head I think — the boy seems a little silly.

85. Where is the washing done for the boys? — The boys wash their clothes themselves.

86. At what time? — Twice a week — Tuesday and Friday; — Tuesday morning, or on Tuesday morning.

87. Are they occasionally compelled to wash in the rain? — No, they wash in the bath-house, etc., when it is raining.

88. Are they occasionally compelled to wash in the rain? — They may have been occasionally, but they have been in about two years.

89. It has been reported to you that the lads have occasionally turned in with wet clothes on? — No, never.

90. If such a thing has occurred on board ship, without your knowledge? — Entirely.

91. Who is the Health Officer? — Dr. Alleyne.

92. It has never been reported to you by any officer? — Never; if it had been, I would not have allowed it.

93. Have complaints reached you of anything uncleanly on the part of the boys? — In what way?

94. Are they all unclean, and remain upon them? — They always come on board with lice on their heads — nearly every boy comes in board in that state.

95. Who is the Health Officer? — Dr. Alleyne.

96. It has never been reported to you by any officer? — Never; if it had been, I would not have allowed it.

97. Do you recall this particular visit a week or ten days ago? — I cannot say.

98. Do you not hear that he called the attention of the officers to the state of a boy's head, who was standing in the gangway? — Yes, I heard of that. I was out of the ship at the time.

99. How long had that boy been on board the ship at that time? — I cannot say. I do not just now know exactly who the boy was.

100. We shall be compelled to have you here again — perhaps you will be good enough to prepare yourself to answer this question. What is the only case — the only case that requires attention? — No, I have not prepared for the boy's head.

101. Perhaps some time, I have great difficulty in getting them to use merciful language, and he expects to be told. He said it was not a nice thing to use boys frequently on board, and when I have seen them they get to other boys who are sick and ill.

102. What are the working hours on board ship? — They are in the rules. They turn out at half-past 6 in summer time.

103. Are they in the habit of turning out at half-past 4 in winter? — No.

104. Do you have any board? — Always. I seldom sleep out of the ship, and I have a board.

105. Never until now? — I am quite certain I did not in winter; they could not without my knowledge.

106. Who is the contractor? — The schoolmaster teaches the boys to read, write, and do their sums.

107. The Roman Catholic boys are well provided for? — By their own clergymen.

108. Has this schoolmaster been long there? — Not very long.

109. Who is the contractor? — Mr. John Locks M'Kinnon, under Mr. M'Kinnon's care and tuition?

110. How long has he been under Mr. M'Kinnon's care? — Never.

111. Do you have any board? — Always. I seldom sleep out of the ship, and I have a board.

112. Never until now? — I am quite certain I did not in winter; they could not without my knowledge.

113. Who is the contractor? — I think he is a schoolmaster.

114. Do you not have any board? — No.

115. If these masters have been reported to any person, the reports have never been furnished to you? — No.

116. Who is the contractor? — I think he is a schoolmaster.

117. Do you not have any board? — No.

118. Who is the contractor? — Mr. Walker.

119. Are you not the contractor to the boys? — No.

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must have been incurred if another establishment had been formed on shore; that it was not likely that sailors would have done so; you will pardon my using the word—have you found any unpleasantries beyond what would naturally arise from tradesmen being employed on board? They have not been sent to nautical purposes? No; I do not recollect the greatest kindness from all on board. They treated my trade—not me; and I endeavour to adapt myself to my circumstances, and never to give them cause of offence.

1193. They do not interfere with you in carrying on your trade? Not in the slightest degree.

1194. Nor by remarks? Not by remarks. I may show the amount of unpleasantries you have been in six months. They have made, for Newcastle Industrial School, 30 pairs of boots; for the ship, 137. We have repaired that, is said, and mended, 50 pair; made fenders for boats, 30; boys' hats, 140; and have done the ornamental work on cabin-heads.

In fact, there are some of the boys on board who have such a natural disposition for the trade, that I think if they were put on an island, with a little bread, they would be very little play during that interval. Do you think these houses too long for boys such as those on board the Vernon? I do not think so. There are many boys there, and they are not all boys of the same age. Some are there who ought to be under the care of women-nurses; but I do not think the kind of work they do is all injurious to them. They are sitting down, and working, and doing their work, which is good for them.

1195. They do not keep them at work.

1196. Mr. Justice. Is it not the superintendent's duty to ascertain the boys what trade they would like to be, and even to advise them in the matter? I do not know what his duty is.

1197. Have you never read the Industrial Schools Act?

1198. As a matter of fact it is in his special duty—So far from being any unpleasantries in him to inquire of the boys and to advise them, that is what they do very well. Are you aware of that? I think it is very important, if the Government think fit to employ me as a master on board with the view of instructing these boys, after he has been in office, to do his best to bring them forward; it is unfair, the head of the department to endeavour to induce them to leave me, to go to sea or to bullock-driving.

1199. Mr. Campbell. As far as you know, do the captains pull together? Do they pull together, do they pull together?

1200. You think that is entirely in consequence of the captain not having sufficient power in his own hands? I think so.

1201. From the evidence of Mr. H. Parkes, M.L.A., examined in the place in the committee, on Wednesday, 3rd March, we make somewhat lengthy extracts.

1202. We shall be happy to hear them: I do not remember distinctly what special arrangements operated on the mind of my colleagues, and led them to decide upon establishing a special Industrial School about three years ago. I do not doubt that my colleagues were influenced by the facts adduced before a Select Committee of the old Legislative Council, appointed on my motion, to inquire into the expediency of establishing a Nautical Training School in our colony.

1203. Mr. Justice. Is it not the result of the evidence that the boys could be sufficiently late for the boys to work: in fact, the sailor boys often do not work later than half-past four, while the other boys are at play, and it is to the former like a punishment?

1204. You think work on board, whether on the part of sailors, tailors, or shoemakers, is done from half-past four, which I think is too early, if I might venture to express an opinion. In fact, the boys are often so weary that they go to sleep over their work.

1205. With regard to the facilities for carrying on his work, what are the following colloquies:

1206. Mr. H. Parkes. I have seen a facility you required to enable you to work on board: there have been some little difficulties, one is that I cut out at a table placed afloat, and on Saturday there are perhaps fifty boys around me on the lower deck, scrubbing it with coconut husks and sand, and when I have been working on my work, I have been forced to leave it, and go back to my work.

1207. Will you state them? I think, in this way?—To commence work at 6 o'clock they have to leave it at 4 o'clock.

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THE INTERCOLONIAL SINGING-CONTEST March.—This march which is creating considerable interest in cricketing circles, is expected to prove the most exciting of its kind played in Australia. The idea is to be disputed this evening, when other matters connected with the match will be decided.

Mr. HENRY HALLOMAN AS A POET.—"Zadie!"

FROM OUR CORRESPONDENTS: GRENfell.

THURSDAY.

One thousand and thirty tons of stone from the

protecting Clein, Lucknow Reef, crushed at Parkes' machine, yielded 1384 oz.

TAMWORTH.

THURSDAY.

Liverpool Plains Jockey Club Handicap.—Turner's

The Prawn, 1; Turner's Seducer, 2; and Frater's

Fiora M'Voy, 3.

Tamworth Handicap.—Turner's Seducer, 1; Schaf-

feld's Ace of Hearts, 2; King's Iciciatu, 3.

Prince of Wales Stakes.—Schafeld's Monarch, 1; Nichol's Oscar, 2.

Consolidation Stakes.—Nichol's Oscar, 1; Perrin's

Ducky, 2.

GOULBURN.

THURSDAY.

A fractured skull was discovered by some persons while erecting a fence between two cottages. Apparently it has been a few years buried. The cottage have been inhabited for thirty years.

MELBOURNE.

THURSDAY.

The inquiry into the alleged neglect of Mr. Chapman to rescue the late Mr. Lawson, when he jumped overboard from the Great Britain, has terminated.

The Privy Council have upheld the decision that the Bank is not responsible for the securities in the case of Lewis v. McMillan.

The steamer You Yangs left to-day, taking the passengers My Dream and Gasworks. She also has on board 21 salmons and 32 steerage passengers.

The Wonga Wonga (s.), yesterday, took 42 cabin and 53 steerage passengers.

The Rev. Mr. Clark, Baptist minister, was entertained at a public breakfast to-day: ministers of several denominations were present.

Mr. Jones entered on his defence to-night, and made a splendid speech.

Markets nominal: wheat 5s. 3d. to 5s. 7d.

The R. M. S. Geelong arrived in the Bay at 1 p.m.

QUEENSLIFF.

THURSDAY.

Mr. James Ferguson has consented to lay the foundation stone of the new Masonic Hall on an early date.

A meeting of warehousemen and clerks is to be held to-night, to consider the propriety of forming a commercial club.

There was a good attendance at the races to-day. The Maiden Plate was won by a d.s., with Sugarplum second; the Shorty by Lottery. St. Leger; Red Gauntlet first, Centurion second. The Hurdle Race was taken by Lightfoot, Monk falling at the last hurdle.

The corn market is dull; wheat is not worth more than 5s., no transactions to report.

SYNOD OF THE DIOCESE OF SYDNEY.

The Synod of the Church of England within the diocese of Sydney met at the Church Society's House, Phillip-street, yesterday, at 2.30 p.m.

Proceedings having been opened by the appointed presiding officer.

The minutes of the previous meeting were read by the Clerical Secretary, the Rev. H. A. PALMER, and were confirmed.

QUESTION.—VOTING OF MONEY.

Mr. JOSEPH HOLLAND, pursuant to notice, asked the following question.—"Have the Standing Committee any power to vote money belonging to the Synod without the consent of the Synod?"

The Rev. H. K. KING replied that, of necessity, the Standing Committee had power to vote money belonging to the Synod without express leave, it being always understood that such power was to be exercised in the interest of the Synod.

The Synod, however, were anxious to have the power of amending the proposed amendment.

Mr. CONNEY STEPHEN moved, by way of amendment, that the bill be referred to the Standing Committee.

The Rev. G. F. MORTON moved, by way of amendment, that the bill be referred to the Standing Committee.

The Rev. C. P. GARNETT earnestly disclaimed all scruples in regard to the matter referred to, and was inclined to think it would be as well for the proposed amendment of the ordinance to be brought forward again.

Mr. W. BARKER hoped the ordinance would be withdrawn.

After some remarks from the Revs. G. H. MORTON, J. C. COLETTES, and Mr. CONNEY STEPHEN.

Mr. CONNEY STEPHEN moved, by way of amendment, to strike out the clause, and to refer the bill to the Standing Committee.

The Rev. C. P. GARNETT moved, by way of amendment, to strike out the clause, and to refer the bill to the Standing Committee.

The bill was referred to the Standing Committee, and the report was read by the Rev. H. A. PALMER, and the minutes of the Standing Committee in charge of the bill.

The third reading of the Clergyman Presentation Ordinance was ordered to stand on order of the day for tomorrow.

CLERGYWOMEN'S AND ORPHANS' FUND.

The Rev. H. K. KING moved.—"That an amended resolution, having reference to the Clergy Widows' and Orphans' Fund, be considered in committee."

The motion was agreed to, and the Synod therupon went into committee.

The Rev. H. K. KING moved.—"That Rule No. 9, passed in 1867, be amended by omitting the words 'and present'."

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placed me in a position in which now, for above seven years, I have been more or less occupied in the discharge of judicial duties, and have found them less agreeable than I expected, I have never once regretted having declined the promotion to the Bench which at different periods has been offered to me.

It was in that year that the memorable dispute between the House of Commons and the Court of Queen's Bench arose out of the case of Stockdale v. Hansard, with reference to the right of the House to cause libellous matters to be printed and sold under the protection of its privileges. Mr. Pemberton contended with great animation against the claims of privilege and in favour of the jurisdiction of the Courts. On no other occasion did he put forth so much of his real power in debate; on no occasion was his strong innate love of order and justice so keenly excited. Arrayed against him, and on the side of privilege, were all the political leaders of the House, both on his own side and on the side of the Government. But that circumstance had no weight with him, when he thought a great principle of constitutional law was at stake.

"In the various occasions on which this question came before the House in the following years I spoke several times, with varying success, against what seemed to me the monstrous pretensions of the House. It was undoubtedly a question on which the leaders of the Opposition, Peasey, Grattan, and others, stood in favour of privilege as Lord John Russell and the other members of the Government and the Radicals, so that the game which we had to fight was a difficult one; and Pollock and Follett (Peasey's Attorney, and Solicitor-General), though they could not maintain the claim, nevertheless did not shrink from committing themselves that they might be allowed to speak against them. One night when I sat down, after speaking rather strongly on the subject, Peasey said to me, 'Pemberton, I do not complain of you at all for the course you are taking; you stated your views at the beginning; but I do complain grievously of my late colleague, who never told the House to retract its statement without disgrace.' I had a good share in the arrangements which were afterwards made for settling the matter by Act of Parliament, against which the Radicals protested as in truth a surrender of the right. Perhaps at some time I may go more into detail in this matter."

It is to be regretted that he never fulfilled his intention of leaving a more complete account of this transaction.

In 1841, when Sir Robert Peel again became Prime Minister, Pemberton consented to accept the unremunerative office of Attorney-General to the Duke of Cornwall. Shortly afterwards Sir Robert Leigh died, and he succeeded (as has been already stated) under certain limitations, to the Leigh property, subject to the life interest of his aunt Mrs. Cooke, which she most liberally gave up to him. The decision he took on this occasion is可想而知 that it must be told in his own words.

"I was now on the verge of fifty. I had reached a position at the Bar beyond which I could not rise without taking office either political or judicial, and had no taste for either. I had a large income for my life, and had accumulated some £60,000 or £70,000, had no incumbrance of natural children, and had no wife to marry, and I had no desire to take a wife, which entailed the expenses of most of my friends and was, perhaps, a very hazardous way out with a view to my happiness. I resolved to give up my seat in Parliament, the best and safest in the House, to leave the Bar, and spend the remainder of my life in ease and retirement as a country gentleman."

At this period the brief autobiographical notes which we have been permitted to use come to an abrupt termination; and Lord Kingdon leaves entirely untold that which is his greatest claim to honourable remembrance—namely, his judicial career at the Privy Council, to which he gave an unremitting attention for nearly twenty years. We must endeavour to supply the deficiency, however imperfectly, from other sources.

Lord Kingdon continued for twenty years, from 1844 to 1864, to apply his high legal attainments and his pre-eminent judicial qualities to the business of that Court, from which he was rarely absent. His colleagues, themselves Judges of high standing, but who were more or less engrossed by the duties of other judicial offices, gratefully acknowledged the value of his services; and although Lord Kingdon never claimed or asserted any superiority of position over them, but treated every member of the Board with equal consideration and deference, it was well known and indeed apparent that a large share of the business of the Court, and the most elaborate of its judgments, devolved upon him. Nothing could exceed the fastidious care and unswear industry with which he bestowed upon the preparation of these decisions. At the close of the argument he was wont to investigate for himself every part of the evidence with as much care as if he were about to re-argue the case himself, and not seldom his own acuteness supplied arguments which had escaped the attention of the ablest advocate. Nothing was hasty, nothing perfunctory, nothing incomplete in the survey of the case, on which he based his conclusions; and the result was an exposition of the facts and an application of the law as perfect as human care could make it, clothed in language of inimitable purity and precision. It would be tedious and inappropriate in this place to follow him through the reports of the Privy Council in which these judgments are recorded, or to show how often he corrected the miscarriages of colonial Judges, and unravelled the complicated web of Indian tenure and descent, whilst he opposed an insurmountable barrier to any approach to exactness or injustice on the part of the Indian Government. But there are two branches of the appellate jurisdiction which demand at our hands a somewhat fuller notice.

It is remarkable that in three centuries not above three or four suits of a doctrinal character appear to have been instituted in the Courts of the Church of England. Within the last twenty years a much larger number have ripened for decision, and have called public attention not only to the matters in dispute, but to the ecclesiastical supremacy of the Crown. In all of these Lord Kingdon took part. He was a member of the committee which heard the appeal of Mr. Gorham, against the Bishop of Exeter, and of that which heard the appeal of the authors of 'Essays and Reviews,' and in the appeal of Westerton v. Liddel, on the ornate church of St. Barnabas, he not only sat but delivered the judgment of the Court. He also devolved upon him and his colleagues, in the well-known case of Long v. the Bishop of Cape Town, to decide on the tenure of the Anglican bishops in colonies having independent legislatures; and that judgment is also from his pen. These cases, which it suffices to name, are the foundations of the policy of the law towards the Church of England, and of the definite obligations of the clergy to the law of the Church. Whether written by Lord Kingdon or by other Judges, they are animated by his spirit of moderation and tolerance, and they express the convictions of his mind. He was warmly attached to the Church of England, as a pious and benevolent institution founded on the law. Amongst the splendid acts of private munificence in which he delighted was the building of the 19th instant, at his home in the Strand, a double-stated brougham for his son, Mr. Peel, and returned afterwards to his residence at Highbury.

He was a conspicuous and popular figure, but he endeared himself to all, and returned after his son's marriage to Mrs. Pitt, and remained at Highbury until his death.

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applied the acumen of his legal faculties. These studies had rendered him as tolerant as he was wise; and he held that the interests of truth and of justice required that in the Church of the Nation, the pretensions of no clerical party should be allowed to circumscribe the liberty which the law had secured to it on questions of disputable certainty. A few months before Lord Kingdon's death, when he was already known to be suffering from a mortal disorder, it was proposed in the Ecclesiastical Board at Oxford to confer on him by that University the degree of Doctor of Laws, by accepting which he would have reflected at least as much honour on the University of the University as could bestow upon him. The proposition was eagerly adopted by a large majority of the Board, but it was opposed by Dr. Pusey and one other ecclesiastic, and to avoid the scandal of offering to so eminent a man a disputed honour, the motion was dropped. Oddly enough, Dr. Pusey himself thought it his duty to inform Lord Kingdon of this occurrence, and to add that his opposition had proceeded from no want of respect to his lordship, but solely from the conviction that Lord Kingdon had contributed to sustain, by his high judicial authority, judgments adverse to what seemed to me the monstrous pretensions of the House. It was undoubtedly a question on which the leaders of the Opposition, Peasey, Grattan, and others, stood in favour of privilege as Lord John Russell and the other members of the Government and the Radicals, so that the game which we had to fight was a difficult one; and Pollock and Follett (Peasey's Attorney, and Solicitor-General), though they could not maintain the claim, nevertheless did not shrink from committing themselves that they might be allowed to speak against them. One night when I sat down, after speaking rather strongly on the subject, Peasey said to me, 'Pemberton, I do not complain of you at all for the course you are taking; you stated your views at the beginning; but I do complain grievously of my late colleague, who never told the House to retract its statement without disgrace.' I had a good share in the arrangements which were afterwards made for settling the matter by Act of Parliament, against which the Radicals protested as in truth a surrender of the right. Perhaps at some time I may go more into detail in this matter."

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